

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RODNEY OTIS BURTON,)
175034,)
Petitioner,)
v) Civil Action No. 2:08cv203-MHT
GARY HETZEL, WARDEN, *et al.*,)
Respondents.)

ORDER ON MOTION

It is a rule of this court that if, after considering a prisoner's affidavit for *in forma pauperis* treatment, it is determined that the prisoner is financially able to pay the appropriate filing fee, he must do so.

Upon consideration of the fact that Petitioner had an available balance of \$294.58 in his prison account at the time he filed this application for habeas relief, it is the opinion of the Magistrate Judge that Petitioner is able to pay the applicable \$5.00 filing fee.

Accordingly, it is ORDERED that:

1. Within fourteen (14) days of the filing date of this order, Petitioner shall forward to the Clerk of the Court the \$5.00 filing fee; and
2. Except to the extent that payment is required under this order, Petitioner's motion

for leave to proceed *in forma pauperis* (Doc. No. 2) is GRANTED. Petitioner is cautioned that his failure to comply with this order will result in a Recommendation by the undersigned that the instant petition be dismissed.

Done this 25th day of March, 2008.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE